

REMARKS

This reply, filed in response to the Office Action dated January 28, 2008, fully addresses each issues raised in the Office Action. Entry and favorable reconsideration is respectfully requested.

Upon entry of the accompanying amendment, claims 1-20 and 22 are all the claims pending in the application. In the amendment, claims 14, 16, 17, 19, 20 and 22 are amended and claim 21 is canceled without prejudice or disclaimer. Claims 1-13 are withdrawn from consideration as being directed to non-elected invention.

Foreign Priority Claim

Applicants respectively request the Office to acknowledge the claim for foreign priority based on KR 10-2003-0019018 filed March 26, 2003 and the receipt of the certified copy of the priority document submitted on September 23, 2005.

Claim Rejections - 35 U.S.C. § 112

In the Office Action, claims 14-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office asserts that liver disease is very hard to treat and it is not possible to prevent each and every liver disease. The Office further asserts that there are many types of liver disease and one treatment for one may not work with another.

Without conceding the Office's position, Applicants amend claims 14 to cancel the "preventing" and to more clarify the types of liver disease to "liver damage associated with oxidative stress," solely in order to advance the prosecution.

Applicants respectfully submit that the specification provides a written description for the full scope of the currently presented claims. The specification describes the treatment of liver damage caused by oxidative stress, such as carbon tetrachloride, by way of administering pinitol or chiroinositol to a mammal (i.e., rat and human), thereby reducing the levels of glutamate-oxaloacetate transaminase GOT, glutamate-pyruvate transaminase (GPT) and γ -GTP in the blood and increasing superoxide dismutase (SOD) activity and glutathione level (page 3, lines 16-19; Examples 3 to 6).

It is well known in the art that oxidative stress plays an important role in the development of various hepatic diseases, and that SOD and glutathione participate in the treatment of liver-related diseases as an anti-oxidation enzyme and a nonenzymatic anti-oxidant, respectively (*see* page 1, lines 27 to 37 of the specification). In addition, elevated levels of GOT, GPT and γ -GTP are known as markers of liver damage.

Accordingly, it is believed that the rejection under 35 U.S.C. § 112, first paragraph is rendered moot by the amendment and it is respectfully requested to withdraw the rejection.

Claim Rejections - 35 USC § 102 and 35 U.S.C. § 103

In the Office Action, claims 14-21 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, and as allegedly obvious over Uchida to 5,466,453 ("Uchida").

Uchida is relied upon to teach that pine extract is heated and extracted with water that has been heated (col. 2, lines 30-end); the pine extract can be administered in a soft drink or tablet form (col. 4, lines 1-10); the extract can also be administered in the range of 0.001-10 g/day/adult (col. 5, lines 15-25); and it can also be administered in tobacco form (clearly intended for humans). The Office asserts that the limitation of preventing makes the instant claims read on anyone since anyone can benefit from having a disease prevented. Regarding claim 15, the Office asserts that the limitation on the amount is confusing since it is not relative to anything which has been defined and, thus, the amount is without merit.

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida, for the substantially same reasons.

Without conceding the Office's position, Applicants amend claims 14, 16, 17, 19, 20 and 22 to cancel "an extract of a plant containing pinitol or chiroinositol" or "plant extract," solely in order to advance the prosecution.

Uchida fails to teach or suggest that pinitol or chiroinositol may be administered into a mammal to treat liver damage associated with oxidative stress.

Regarding claim 15, Applicants respectfully submit that the limitation "0.1 to 100 mg/kg body weight/day" clearly points out the relationship of the amounts of the active ingredients with respect to the body weight of the subject to which the active ingredient is administered, per day.

Applicants respectfully submit that the amendment rendered the rejections under 35 U.S.C. §§ 102 and 103 moot and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: May 27, 2008